

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

RUSSELL BOON RHEA,	:	
	:	
Plaintiff,	:	
	:	
v.	:	
	:	CASE NO. 3:05CV189 (RNC)
ALFRED UHRY,	:	
	:	
Defendant.	:	
	:	
	:	

RULING ON PLAINTIFF'S RENEWED MOTION TO COMPEL

Pending before the court is plaintiff's Renewed Motion to Compel (doc. #88). The plaintiff's motion seeks to reformulate, and compel answers to, discovery requests that the court previously held to be vague, overly broad or otherwise improper. (See doc. #63.)

Pursuant to Fed. R. Civ. P. 33, 34 and 36, discovery requests must be served upon the opposing party, which then has thirty days to answer or object to the requests. A motion to compel is not ripe until after those thirty days have passed, and it is not warranted unless the defendant has objected or failed to respond to the request. Fed. R. Civ. P. 37(a)(2).

Plaintiff's motion is not ripe because he has not served his revised discovery requests upon the defendant as required by the Federal Rules of Civil Procedure. Plaintiff's motion suggests that he believes service of the requests will be futile because defendant's counsel has, in his words, "refused to cooperate with

Plaintiff." Nonetheless, the discovery rules are not merely technical requirements. The defendant's answers and objections may narrow the issues to be decided by the court, and the court cannot decide those issues without having before it each party's position as to each specific request. Plaintiff's Motion to Compel is denied without prejudice.

SO ORDERED at Hartford, Connecticut this 16th day of October, 2006.

_____/s/_____
Donna F. Martinez
United States Magistrate Judge